

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

THE UNITED STATES OF AMERICA

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V.

CRIMINAL NO. 1:20-MJ-919-ML

**Jesus Armando Funkhouser,
Defendant.**

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Michael Fickel, being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Detective with the Austin Police Department, Austin, Texas (“APD”). I am a sworn Texas peace officer and have been employed by APD since 2005. While employed by APD, I have investigated violations of state and federal criminal law, including the unlawful possession of firearms by felons. I am also a federally deputized Task Force Officer for the Bureau of Alcohol, Tobacco, and Firearms (ATF) Austin Task Force. I have participated in numerous investigations involving the unlawful possession of firearms.
 2. This affidavit is submitted in support of an application for the issuance of a Criminal Complaint against JESUS ARMANDO FUNKHOUSER, born April 6, 1981, for violating count 1: 18 U.S.C. § 922 (g)(1) Felon in Possession of a Firearm.
 3. As set forth herein, probable cause exists to believe that FUNKHOUSER, who has previously been convicted in a court of a crime punishable by a term of imprisonment by more than one

year, knowingly possessed a firearm on October 19, 2020, within the Western District of Texas, and that the firearm had been shipped and transported in interstate commerce.

4. The statements contained in this Affidavit are based on information provided to me by other APD, ATF, and through my personal participation in the investigation of FUNKHOUSER. Because this Affidavit is being submitted for the limited purpose of establishing probable cause for the issuance of the Criminal Complaint that is sought, it does not contain every fact known to me or other law enforcement officials.

FACTUAL SUMMARY

5. On October 19, 2020, APD Detective Cornish observed a white Chevrolet Impala, bearing Texas license plate GRS7045 in the apartment complex parking lot at 2124 Burton Drive. Detective Cornsih conducted a routine check of the license plate through the Austin Police Department dispatch. Detective Cornish was advised the vehicle was listed as stolen. A short time later, Detective Wells observed a Hispanic male enter the white Chevrolet and drive away. Detectives assigned to the Austin Police Department Narcotics Unit and followed the white Chevrolet from 2124 Burton Drive until the vehicle stopped in the driveway at 3205 Burleson Road. Detective Gatlin observed a Hispanic male exit the driver's seat of the vehicle and walk into the yard of the residence. The Hispanic male was detained by two uniformed officers for the offense of unauthorized use of a motor vehicle. The keys to the Chevrolet were located on the ground near the Hipanic male.

6. Members of the APD Narcotics Unit maintained constant surveillance of the Hispanic male for a period of approximatly 20 minutes prior to his detention. During this time, no other

persons were observed inside of the white Chevrolet vehicle. The Hispanic male was the sole occupant of the vehicle at the time of the stop.

7. At the time the white Chevrolet was stopped, Officer Gebhart drove by the stop in a civilian vehicle. Officer Gebhart observed the Hispanic male remove an object from his waist and put it in the driver's seat.
8. The Hispanic male identified himself to officers as Jose Torrez and the date of birth of April 6, 1981. Jose Torrez was later found to be an alias for JESUS ARMANDO FUNKHOUSER. The career criminal history for FUNKHOUSER showed the FBI number 616417AC8, and also listed a known alias of Jose Torres. I obtained fingerprint records for FUNKHOUSER's prior arrests from the Florida Department of Law Enforcement. I presented the Florida fingerprint cards to APD Fingerprint Technician Supervisor C. Lemon. C. Lemon certified that the Florida fingerprints for FUNKHOUSER matched the fingerprints taken from Jose Torrez at the time of his arrest on October 19, 2020.
9. After FUNKHOUSER exited the vehicle and was detained, officers approached the vehicle. Detective Gatlin observed in plain view a black and silver handgun lying on top of the driver's seat. The handgun was collected during a search of the vehicle. The firearm was fully identified as a Kahr, .40, model P40, bearing the serial number ZA6578. The firearm was discovered to be a stolen firearm.
10. I have reviewed FUNKHOUSER's criminal history and have determined that he has been convicted in a court of a crime punishable by a term of imprisonment for more than one year. I observed a conviction for a felony offense in Miami Dade County with court case number F05014622. I contacted the Miami Dade Deputy Clerk's office, typed in the court case number

and listened to a message that stated FUNKHOUSER was convicted of Attempted 2nd degree Murder for which he was sentenced to 364 days imprisonment. Upon learning this, I called the Miami Dade Criminal Court Felony Division and spoke with Assistant Supervisor, M. Despian. I provided M. Despian the court case number F05014622 and was told FUNKHOUSER was convicted of the offense Murder 2nd Degree. FUNKHOUSER also was conviction for the felony offense of Theft in Miami Dade County for which he was sentenced to 366 days imprisonment.

11. I have contacted ATF Special Agent Mueller. Agent Mueller provided his expert opinion that the firearm listed in this complaint was manufactured outside of the state of Texas, and if received and/or possessed inside of the State of Texas, it affected interstate and/or foreign commerce.

CONCLUSION

12. Based on the foregoing, there is probable cause to believe that JESUS ARMANDO FUNKHOUSER has committed the offense set forth in the attached Criminal Complaint.
13. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.


MICHAEL FICKEL
Detective
ATF/TFO
Austin Police Department

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Sworn to me telephonically under Fed. R. Crim. P. 4.1 on November 2, 2020.


UNITED STATES MAGISTRATE JUDGE